

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
) v. Criminal No. 3:20-cr-16
)
MATTHEW MICHAEL WALTER)

MEMORANDUM IN AID OF SENTENCING

Mr. Walter is 34 years old and a native of Altoona, PA. *See* PSR at p.2. He has never married and has no children. *See id.* at ¶58. He has an IQ of 63 and has been on social security disability since high school for an “intellectual disorder.” *See id.* at ¶62. Most recently he received \$667 a month in disability benefits which have since ceased upon his incarceration. *See id.* at ¶68. He cannot manage money, he cannot drive a vehicle, he has no assets, he has never worked, and it is submitted has no realistic prospect for future earnings. *See id.* at ¶¶62, 68, 70.

Mr. Walter has been incarcerated since his arrest in July of 2020 and been housed at the Cambria County Prison under very restrictive conditions during the COVID-19 pandemic. He continues to have family support from his mother. *See* Letter to Court from Tina Leamer, attached as Exhibit A.

Mr. Walter is scheduled for sentencing on January 20, 2022, following his guilty plea to a single count of possession of Material Depicting the Sexual Exploitation of a Minor, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and

2252(b)(2). At sentencing he faces a mandatory minimum sentence of 120 months imprisonment. There is a plea agreement in this case. The United States Sentencing Guidelines recommend a sentence of 121-151 months. *See* PSR ¶73. Mr. Walter does not submit any grounds for a downward departure but does seek a one-month variance based primarily on his mental condition and the need for the sentence imposed given the length of the statutory minimum. He thus seeks a sentence to the minimum 120 months.

WHEREFORE, Matthew Michael Walter respectfully requests a sentence of 120 months' imprisonment and a term of supervised release of not less than 5 years. Restitution is mandatory and, upon information and belief, a pending Supplement to the PSR will reflect Mr. Walter will owe \$12,000 in restitution in this case. Given this, he asks the Court impose no fine and no assessment under the AVAA as he is clearly indigent, has no assets, and any fine/assessment would interfere with his ability to pay this restitution contrary to 18 U.S.C. §3572(b). Additionally, this court impose no assessment under the JVAA as he is indigent. Finally, Mr. Walter requests the Court make a recommendation to the Bureau of Prisons that he be placed in a facility as close to his mother in Altoona, PA as possible.

Respectfully submitted,

s/ Christopher B. Brown
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